



Prison Act 1952

1952 CHAPTER 52 15 and 16 Geo 6 and 1 Eliz 2

Confinement and treatment of prisoners

[^{F1}16A Testing prisoners for drugs [^{F2}, psychoactive substances and other substances].

- (1) If an authorisation is in force for the prison, any prison officer may, at the prison, in accordance with prison rules, require any prisoner who is confined in the prison to provide a sample of urine for the purpose of ascertaining whether [^{F3}the prisoner has in their body any—
 - (a) controlled drug,
 - (b) pharmacy medicine,
 - (c) prescription only medicine,
 - (d) psychoactive substance, or
 - (e) specified substance].
- (2) If the authorisation so provides, the power conferred by subsection (1) above shall include power to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of urine.

[The Secretary of State may use any prisoners' samples to test, on an anonymised basis,
^{F4}(2A) for the prevalence of the following ^{F4}substances in prisons—

- (a) controlled drugs,
- (b) medicinal products,
- (c) psychoactive substances, or
- (d) specified substances.]

(3) In this section—

“authorisation” means an authorisation by the governor;

[^{F5}“controlled drug” means] any drug which is a controlled drug for the purposes of the ^{M1}Misuse of Drugs Act 1971 ^{F6}...;

“intimate sample” has the same meaning as in Part V of the ^{M2}Police and Criminal Evidence Act 1984;

Changes to legislation: Prison Act 1952, Section 16A is up to date with all changes known to be in force on or before 16 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F7}“medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012;

“pharmacy medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012;

“prescription only medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012;]

“prison officer” includes a prisoner custody officer within the meaning of Part IV of the Criminal Justice Act 1991;^{F8}...

“prison rules” means rules under section 47 of this Act;

[^{F9}“prisoners' samples” means any sample—

(a) provided under subsection (1) or (2), or

(b) provided by prisoners voluntarily;

“psychoactive substance” has the same meaning as in the Psychoactive Substances Act 2016;]

[^{F10}[^{F11}“specified substance” means] any substance or product specified in prison rules for the purposes of this section.]]

[^{F12}(4) The Secretary of State may, by regulations, make such amendments of this section or section 47 as the Secretary of State considers appropriate in consequence of—

(a) the amendment or revocation of the Human Medicine Regulations 2012, or

(b) the making, amendment or revocation of any other subordinate legislation (whenever made) which relates to human medicines.

(5) In subsection (4) “subordinate legislation” has the same meaning as in the Interpretation Act 1978.]

Textual Amendments

- F1** S. 16A and sidenote inserted (9.1.1995) by 1994 c. 33, s. 151(1); S.I. 1994/3192, art. 2, Sch.
- F2** Words in s. 16A title inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(2), 3(2); S.I. 2021/1280, reg. 2
- F3** Words in s. 16A(1) substituted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(3), 3(2); S.I. 2021/1280, reg. 2
- F4** S. 16A(2A) inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(4), 3(2); S.I. 2021/1280, reg. 2
- F5** Words in s. 16A(3) substituted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(a)(i), 3(2); S.I. 2021/1280, reg. 2
- F6** Words in s. 16A(3) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(a)(ii), 3(2); S.I. 2021/1280, reg. 2
- F7** Words in s. 16A(3) inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(b), 3(2); S.I. 2021/1280, reg. 2
- F8** Word in s. 16A(3) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 16(2)(b), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 12
- F9** Words in s. 16A(3) inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(c), 3(2); S.I. 2021/1280, reg. 2
- F10** Words in s. 16A(3) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 16(2)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 12
- F11** Words in s. 16A(3) substituted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(d), 3(2); S.I. 2021/1280, reg. 2
- F12** S. 16A(4)(5) inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 2(2)(a), 3(2); S.I. 2021/1280, reg. 2

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Marginal Citations

M1 1971 c. 38.

M2 1984 c. 60.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47(1A) inserted by [2012 c. 10 s. 129\(2\)](#)
- s. 47(1A) modified (temp.) by [2012 c. 10 s. 129\(10\)](#)
- s. 47(1A) modified (temp.) by [2012 c. 10 s. 129\(11\)\(a\)](#)
- s. 47(1A)(a) words inserted by [2015 c. 2 Sch. 9 para. 3\(3\)](#)
- s. 47(6) inserted by [2012 c. 10 s. 129\(3\)](#)
- s. 47A inserted by [2012 c. 10 s. 129\(4\)](#)
- s. 47A modified (temp.) by [2012 c. 10 s. 129\(11\)\(b\)](#)
- s. 55(4A) repealed by [2006 c. 13 s. 46\(2\)\(a\)Sch. 3](#)